

JUN-01-2007 16:35

MANHATTAN DA OFFICE

**FILED ELECTRONICALLY****UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK****ALEXANDER DUNLOP,**

MARAS, J.

USDC SDNY	6/6/07	16:35
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DATE FILED:	6/6/07	

**Plaintiff,****- against -****06 cv 0433 (KMK)(JCF)**

THE CITY OF NEW YORK, a municipal entity; MICHAEL BLOOMBERG, Mayor of the City of New York; RAYMOND KELLY, Police Commissioner of the City of New York; JOSEPH ESPOSITO, Chief of the Department, New York City Police Department; THOMAS GRAHAM, Commanding Officer of the Disorder Control Unit of the New York City Police Department; JOHN J. COLGAN, Deputy Chief and Commanding Officer, Pier 57, New York City Police Department; NEW YORK COUNTY DISTRICT ATTORNEY ROBERT MORGENTHAU; ASSISTANT DISTRICT ATTORNEY WILLA CONCANNON; POLICE OFFICER MAYA GOMEZ, shield number 27230; POLICE OFFICER JOHN DOE's 1-3; JOHN ROE, Technician, New York County District Attorney's Office; and the HUDSON RIVER PARK TRUST, in their individual and official capacities, jointly and severally,

**Defendants.****STIPULATION OF DISMISSAL**

Pursuant to Rule 41(a)(1) of the Federal Rules of Civil Procedure, it is hereby stipulated and agreed by and between the plaintiff ALEXANDER DUNLOP and the defendants NEW YORK COUNTY DISTRICT ATTORNEY ROBERT MORGENTHAU and ASSISTANT DISTRICT ATTORNEY WILLA CONCANNON, that defendants Morgenthau and Concannon hereby withdraw their pre-answer Motion to Dismiss filed in the above-entitled action, and in return it is hereby stipulated and agreed that all claims against defendants Morgenthau and Concannon are withdrawn, and this action is dismissed with prejudice as against defendants Morgenthau and Concannon, each party to bear its own costs and fees.

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In further consideration for this stipulation of dismissal, and within ten business days of the filing thereof, District Attorney Morgenthau will provide the plaintiff with the name or names of the "John Roe" defendant(s) identified in the caption of the complaint as "John Roe, Technician, New York County District Attorney's Office," which shall consist of any and all technicians alleged to have been involved in editing, copying, or otherwise reproducing the videotape identified in this matter. This stipulation in no way constitutes a waiver of any defense this too-be-named individual (or individuals) may interpose in the event the plaintiff seeks to amend the complaint so as to name that individual (or individuals) as a defendant in this action.

Dated: New York, New York

May 31, 2007

By:

Michael S. Morgan (MM-9360)  
Assistant District Attorney  
Attorney for Defendants  
Robert M. Morgenthau and Willa Concaron

*Gina M. Bonica*

Gina M. Bonica (GB-6615)  
KURLAND, BONICA & ASSOCIATES, P.C.  
Attorney for Plaintiff

SO ORDERED:

*KM*  
Kenneth M. Karas  
United States District Judge

6/5/07